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January 15, 2016

BY EMAIL AND FED-EX

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/19/16
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Re: 1:10-cv-03959, Kriss et al v. Bayrock Group LLC et al.

Dear Judge Schofield:

We represent defendants Bayrock Group LLC, Bayrock Spring Street LLC, Bayrock Ocean Club LLC, Bayrock Whitestone LLC, Bayrock Camelback LLC, Bayrock Merrimac LLC, Tevfik Arif and Julius Schwarz (collectively, "the Bayrock Defendants"). We write pursuant to the Court's Order dated January 11, 2016 [ECF 253], directing the parties to file unredacted on ECF their respective motion papers which are referenced in the Order or, in compliance with Individual Rule I.C.3, to apply to file any documents in redacted form or entirely under seal.

The Bayrock Defendants have filed each of their motion papers unredacted on ECF with one exception. Exhibit 11 to the Declaration of Walter Saurack contains a copy of the now-defunct First Amended Complaint, which improperly referenced privileged and confidential information that was misappropriated from the Bayrock Defendants. The First Amended Complaint was filed and remains under seal pursuant to the Court's Order dated May 31, 2013 [ECF 38] (the "Sealing Order"), and a substantial number of its paragraphs were stricken pursuant to the Court's Order dated March 23, 2015 [ECF 126] (the "Sanctions Order"). Consistent with the Sealing Order and the Sanctions Order, the Bayrock Defendants respectfully request permission to redact in full the copy of the First Amended Complaint that is included in Exhibit 11 to the Saurack Declaration. A copy of the exhibit with the proposed redaction highlighted is enclosed herewith as Attachment A.

The Bayrock Defendants further request that portions of three paragraphs in plaintiffs' motion papers be redacted. These three paragraphs appear to refer to allegations from stricken paragraphs of the First Amended Complaint that the Bayrock Defendants maintain are based on their attorney-client privileged communications. Copies of the relevant pages from (1) Plaintiffs' Reply in Support of Motion to Disqualify, with the proposed redaction to paragraph

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56, and (2) the Affidavit of Jody Kriss, with the proposed redactions to paragraphs 40 and 50, are enclosed herewith as Attachments B and C.

We have conferred with plaintiffs' counsel. They do not object to the redaction of the entire First Amended Complaint in Exhibit 11. Although Plaintiffs' counsel disagrees with the Bayrock Defendants' assertions concerning the privileged status of the three above-referenced paragraphs, they have agreed not to object to the proposed redactions at this time in order to expedite compliance with the Court's January 11 Order.

Respectfully,



Walter A. Saurack

APPLICATION GRANTED. By January 20, 2016, Defendants shall (a) file under seal (1) Exhibit 11 to the Saurack Declaration, (2) the November 19, 2013, Affidavit of Jody Kriss, and (3) Plaintiffs' Reply in Support of Motion to Disqualify, dated December 13, 2013; and (b) file on ECF a redacted version of the latter two documents, all in accordance with the Court's Individual Rules.

Dated: January 19, 2016
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE